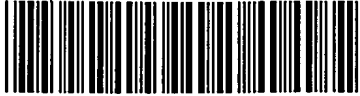


Application Number 	Application/Control No. 10/616,366	Applicant(s)/Patent under Reexamination BRUCE ET AL.	
Document Code - DISQ	Internal Document – DO NOT MAIL		

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : May 29, 2007	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Patent Application
Attorney Docket No. A2247-US-CIP
(XERZ 2 2 00563-3)

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

In re Application of: Richard Bruce, et al.

Application No.: 10/616,388

Group Art Unit: 2621

Filed: July 09, 2003

Examiner: Tabatabai

For: APPARATUS AND METHOD FOR DETECTING AND LOCATING RARE CELLS

The owner, Xerox Corporation, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior Patent No. 7,113,624. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

☒ The undersigned is an attorney or agent of record.

May 29, 2007
Date


Signature

FAY SHARPE LLP
1100 Superior Avenue, Seventh Floor
Cleveland, Ohio 44114-2579

Sue Ellen Phillips
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Date

May M. Schriener
By: Mary M. Schriener

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☒ The undersigned is an attorney or agent of record.

Date

May 29, 2007

Signature

Sue Ellen Phillips

FAY SHARPE LLP

1100 Superior Avenue, Seventh Floor
Cleveland, Ohio 44114-2579

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06/19/2007 SFELEKE1 00000050 10616366

01 FC:1814 130.00 DA

05/31/2007 EHAILEY 00000025 240037 10616366

01 FC:1851 130.00 DA

Adjustment date: 05/19/2007 SFELEKE1
05/31/2007 EHAILEY 00000025 240037 10616366
01 FC:1051 130.00 CR

XEROXDianne Ayers
Patent Financial & Trademark Coordinator

VIA FACSIMILE: 571-273-6500

June 5, 2007

Honorable Commissioner of Patents and Trademarks
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To Whom It May Concern:

The following item was incorrectly debited to our May 2007 account statement for 24-0037:

Serial No.	Date Posted	Control No.	Amount	Type
10/616,366	5/31	36	\$130	D

Our deposit account was charged for a Surcharge for late filing fee or oath or declaration - fee code 1051. However, this is incorrect. Our outside counsel submitted a terminal disclaimer in May 2007. The fee code charged should have been 1814. Therefore, please credit our deposit account in the amount of \$130 to reimburse us for the incorrect charge and properly debit for the fee code 1814 for the Terminal Disclaimer submitted.

Thank you for your attention to this matter.

Very truly yours,


Dianne AyersXerox Corporation
100 South Clinton Avenue
Xerox Square - 20A
Rochester, NY 14644
Telephone 585-423-6998
Facsimile 585-423-5240